

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

DAVID AMROD,

Plaintiff,

vs

5:08-CV-464

COMMISSIONER OF SOCIAL SECURITY,

Defendant.

APPEARANCES:

OF COUNSEL:

LEGAL SERVICES OF CENTRAL NEW YORK
Attorneys for Plaintiff
472 South Salina Street
Suite 3000
Syracuse, New York 13202

CHRISTOPHER CADIN, ESQ.

HON. ANDREW T. BAXTER
United States Attorney
for the Northern District of New York
P. O. Box 7198
100 South Clinton Street
Syracuse, New York 13261-5165

SANDRA GROSSFIELD, ESQ.
Special Assistant U.S. Attorney

SOCIAL SECURITY ADMINISTRATION
OFFICE OF REGIONAL GENERAL COUNSEL
Region II
26 Federal Plaza - Room 3904
New York, NY 10278

MARY ANN SLOAN, ESQ.
Chief Counsel, Region II

DAVID N. HURD
United States District Judge

DECISION and ORDER

Plaintiff filed this action in April 2008, seeking judicial review of a final decision of the Commissioner of Social Security ("Commissioner") denying his application for disability insurance benefits ("DIB") and Supplemental Security Income ("SSI"). By Report-

Recommendation dated November 6, 2009, the Honorable David E. Peebles, United States Magistrate Judge, recommended that the plaintiff's motion for judgment on the pleadings be granted, the Commissioner's determination of no disability be vacated, and the matter be remanded to the Agency for further consideration. No objections have been filed.

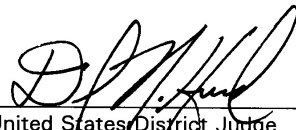
Based upon a careful review of the entire file and the recommendations of Magistrate Judge Peebles, the Report-Recommendation is accepted and adopted in whole. See 28 U.S.C. 636(b)(1). Accordingly, it is

ORDERED that

1. The plaintiff's motion for judgment on the pleadings is GRANTED;
2. The Commissioner's determination of no disability is VACATED; and
3. This matter is REMANDED to the Agency for further proceedings in accordance with the Report-Recommendation.

IT IS SO ORDERED.

Dated: January 5, 2010
Utica, New York.


United States District Judge